

1ST READING

2ND READING

INDEX NO.

9-20-05
9-27-05

MR-2005-128
NL Ventures V Mercer, LP

ORDINANCE NO. 11751

AN ORDINANCE CLOSING AND ABANDONING PORTIONS OF THE EAST LINE RIGHT-OF-WAY OF THE 1000 BLOCK OF SOUTH LYERLY STREET RIGHT-OF-WAY AND PORTIONS OF THE WEST LINE RIGHT-OF-WAY OF THE 900 BLOCK OF SOUTH WATKINS STREET RIGHT-OF-WAY, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND SITE SURVEY ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That there be and is hereby closed and abandoned portions of the east line right-of-way of the 1000 block of South Lyerly Street right-of-way and portions of the west line right-of-way of the 900 block of South Watkins Street right-of-way, more particularly described below and as shown on the map and site survey attached hereto and made a part hereof by reference:

Abandonment of portions of the east line right-of-way of the 1000 block of South Lyerly Street right-of-way described as Projections M thru O on the attached site survey. Said portions are projections of a building located in parts of said right-of-way. Tax Map 156C-C-001.

Abandonment of portions of the west line right-of-way of the 900 block of South Watkins Street right-of-way described as Projection G on the attached site survey. Said portions are projections of a building located in parts of said right-of-way. Tax Map 156C-B-001 and 156C-C-001.

SECTION 2. BE IT FURTHER ORDAINED, That this closure and abandonment shall be subject to:

1. The City, Chattanooga Gas, EPB, Tennessee American Water Company, and BellSouth to retain their easement;

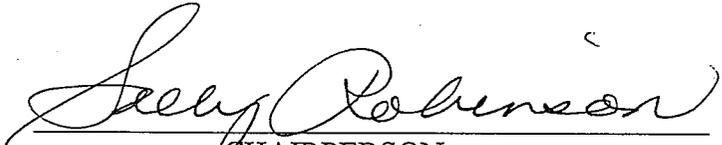
2. The applicant to prepare and record a revised plat; and
3. The City of Chattanooga reserves a sewer easement from the south line of Vance Road to a point approximately ninety feet, plus or minus, (90' +/-) where said sewer intersects existing private sewer line.

SECTION 3. BE IT FURTHER ORDAINED, That the continued use of the City's right-of-way where the fence is encroaching the City's right-of-way under the Temporary Usage Agreement with the City be and is hereby authorized

SECTION 4. BE IT FURTHER ORDAINED, That this Ordinance shall take effect from and after its passage.

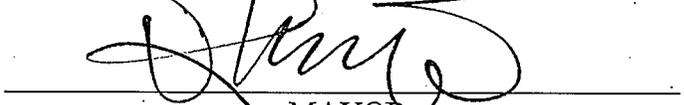
PASSED on Second and Final Reading

September 27, 2005.

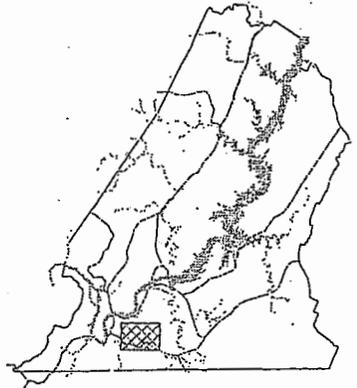

CHAIRPERSON

APPROVED: DISAPPROVED:

DATE: Oct 3, 2005


MAYOR

/add



CHATTANOOGA

CASE NO.: 2005-0128

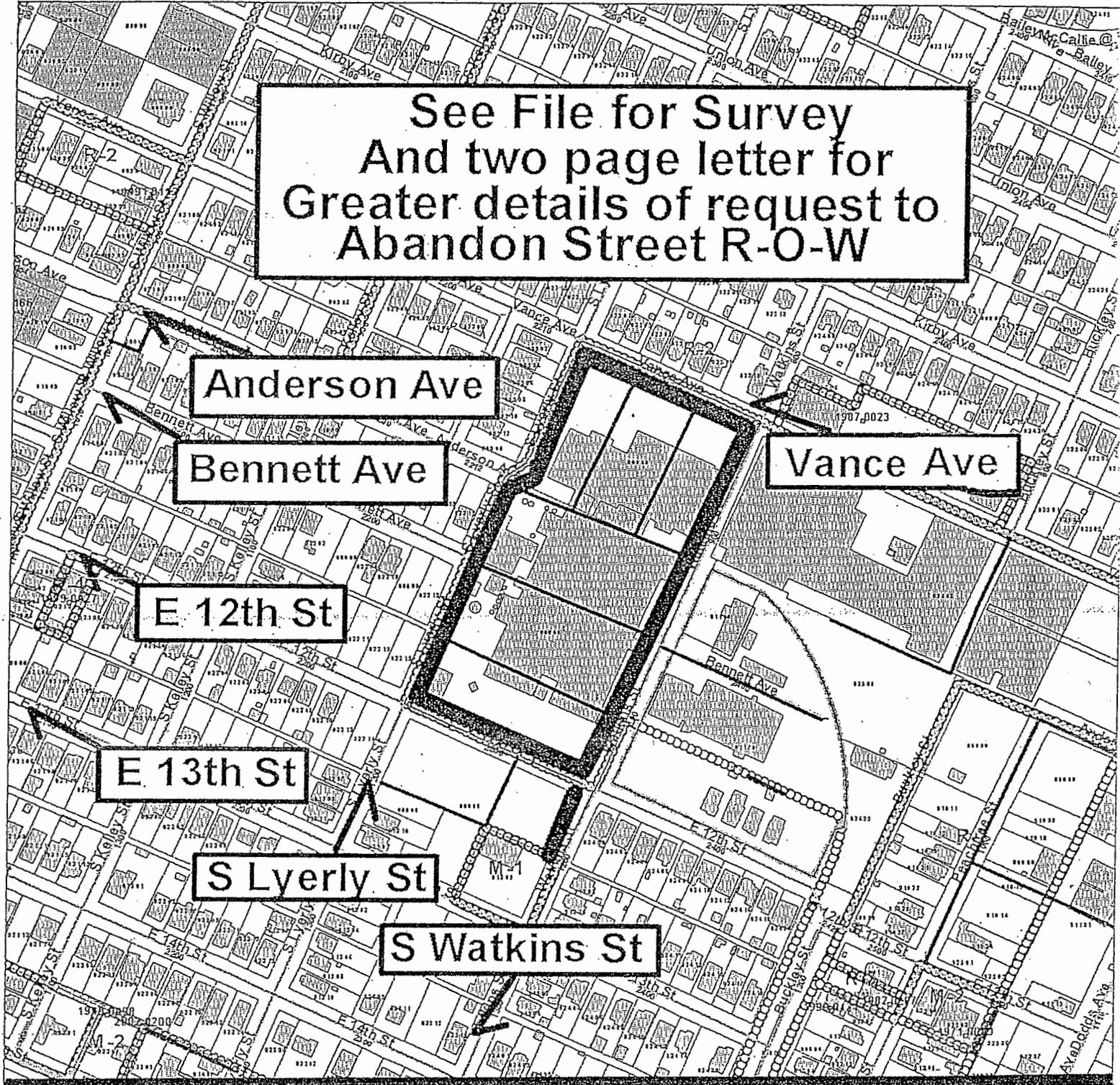
PC MEETING DATE: 7/11/2005

MR ABANDON STREET R-O-W

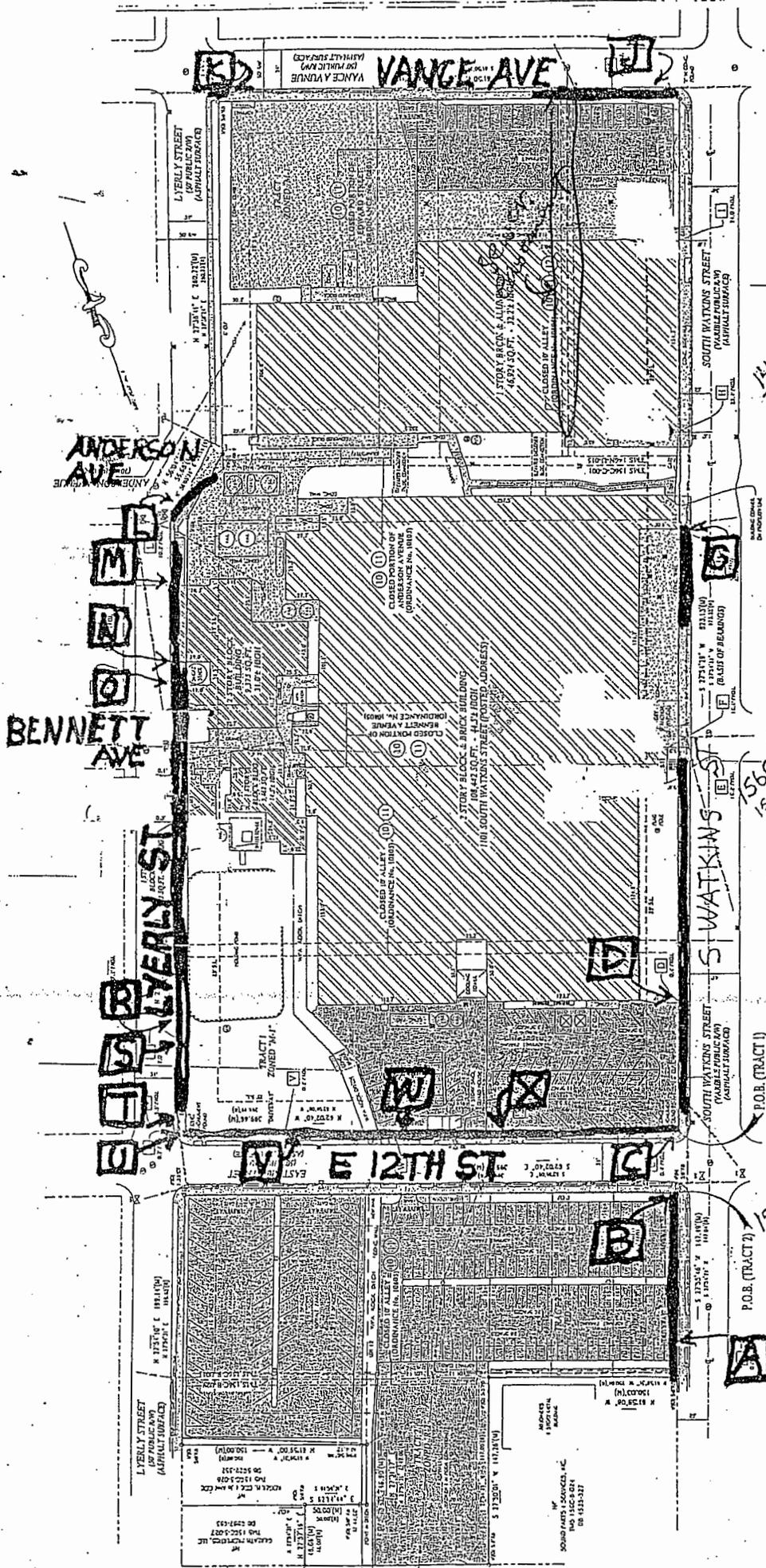


1 in. = 300.0 feet

**See File for Survey
And two page letter for
Greater details of request to
Abandon Street R-O-W**



2005-128
ABANDONMENT
7/11/05 PC
1 of 3



148W/0015

156G-001
156C-001

156G-B-001
156C-B-001

P.O.B. (TRACT 1)
P.O.B. (TRACT 2)

VANCE AVENUE
(PUBLIC WAY)
(ASPHALT SURFACE)

ANDERSON AVE
(PUBLIC WAY)
(ASPHALT SURFACE)

BENNETT AVE
(PUBLIC WAY)
(ASPHALT SURFACE)

EVERLY ST
(PUBLIC WAY)
(ASPHALT SURFACE)

E 12TH ST
(PUBLIC WAY)
(ASPHALT SURFACE)

E 13TH ST
(PUBLIC WAY)
(ASPHALT SURFACE)

S WATKINS ST
(PUBLIC WAY)
(ASPHALT SURFACE)

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ADDENDUM TO ZONING REQUEST FORM

2005-128
2 of 3

SITE ADDRESS: 1101 South Watkins Street, Chattanooga, TN

DEED BOOK / PAGE: Deed Book 7489, Page 239

CLOSURE REQUEST: Applicant requests that the portions of South Watkins Street, Vance Avenue, Lyerly Street and East 12th Street, Chattanooga, Tennessee into which protrudes be closed.

REASON FOR CLOSURE: The applicant's building and related fences and wall related to its manufacturing facility protrudes into the public rights of way at the locations marked A, B, C, D, G, J, K, L, M, N, O, R, S, T, U, V, W and X on the attached drawing in the following particulars:

- A. 6' chain link fence protrudes 0.8' onto the public right-of-way of South Watkins Street.
- B. 6' chain link fence protrudes 0.4' onto the public right-of-way of South Watkins Street.
- C. 6' chain link fence protrudes 0.4' onto the public right-of-way of South Watkins Street.
- D. 6' chain line fence protrudes 0.4' onto the public right-of-way of South Watkins Street.
- G. The building protrudes 0.3' onto public right-of-way of South Watkins Street.
- J. 6' chain link fence protrudes 1.4' onto the public right-of-way of Vance Avenue.
- K. 6' chain link fence protrudes 0.7' onto the public right-of-way of Vance Avenue.
- L. 6' chain link fence protrudes 10.2' onto the public right-of-way of Lyerly Street.
- M. The building protrudes 10.5' onto the public right-of-way of Lyerly Street.
- N. The building protrudes 10.3' onto the public right-of-way of Lyerly Street.
- O. The building protrudes 0.2' onto the public right-of-way of Lyerly Street.

- R. Concrete wall protrudes 7.1' onto the public right-of-way of Lyerly Street.
- S. 6' chain link fence protrudes 7.0' onto the public right-of-way of Lyerly Street.
- T. 8' metal fence protrudes 5.5' onto the public right-of-way of Lyerly Street.
- U. 6' chain link fence protrudes 0.7' onto the public right-of-way of Lyerly Street.
- V. 6' chain link fence protrudes 0.2' onto the public right-of-way of East 12th Street.
- W. 6' chain link fence protrudes 0.3' onto the public right-of-way of East 12th Street.
- X. 6' chain link fence protrudes 0.4' onto the public right-of-way of East 12th Street.

ALTERNATIVE REQUEST: In the alternative to abandoning the public rights-of-way in the places described herein, applicant requests that the City of Chattanooga allow it a franchise to permit each of the encroachments described herein for a period of 40 years, as permitted by the Charter of the City of Chattanooga.